

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CRIMINAL DIVISION - FELONY BRANCH

UNITED STATES OF AMERICA :
 : 2013 JAN - 3 D 3:58
 : Criminal Case No. 2011 CF1 003870
 v. :
 : Judge William M. Jackson
 MAURICE YANCEY A/K/A :
 MALIK SHABAZZ, :
 Defendant. : Sentencing Date: January 4, 2013

GOVERNMENT'S AMENDED SENTENCING MEMORANDUM

The United States of America, by and through its counsel, the United States Attorney for The District of Columbia, hereby submits the following sentencing memorandum for the Court's consideration and notes that in the previously submitted sentencing memorandum, the pleading erroneously stated that the Rule 11(e)(1)(c) sentence in this case was thirteen years of incarceration and further, asked for a sentence of eight years. The government submits that the appropriate sentence in this case is twelve years. The government submits further, that it is asking for a sentence of twelve years.

The defendant is before the Court, following his plea to one count of voluntary manslaughter on November 1, 2012, just four days before his trial was scheduled to begin, for his role in the murder of Demetrius Dempsey, in the northeast Clay Terrace neighborhood of the District of Columbia. As the government's proffer during the Rule 11 inquiry makes clear, on June 30, 2007, the defendant was angry with the decedent who had been fighting with a woman. After the fight was over, the defendant and the decedent pushed each other and exchanged blows. Thereafter, the defendant followed the decedent. After following him for about a block, the defendant picked up a landscaping brick and struck the decedent on the head with the brick. The decedent fell to the ground. The defendant hit the decedent a second time while the

decedent was on the ground. Thereafter, a number of young teenagers who had followed the decedent and the defendant, kicked the decedent on his body.

After this beating, the decedent lapsed into a coma. He was hospitalized and then transferred to series of nursing homes, until he died, on December 9, 2010, from the injuries to his brain which he received on June 30, 2007. The decedent's quality of life from the time of the beating in 2007 until his death in 2010 was devastating and debilitating. He went in and out of comas. He was bedridden, developed diabetes, mellitus, and hypertension. He was unable to walk, use a bathroom, or even feed himself. He also had trouble communicating and suffered severe brain damage. He required extensive care and was forced to live in at least six different treatment facilities prior to his death.

The decedent was thirty-four years old when he died. This was not a swift, merciful murder. The decedent suffered for three years with these horrific injuries. His family suffered along with him. His brother, James Sherrod, Sr., ensured that Demetrius was kept safe throughout this period by having medical authorities list him under an alias. Mr. Sherrod also began his own investigation into his brother's beating and convinced a crucial witness to come forward. In 2012, this family was visited by more tragedy when James Sherrod, Jr., the son of James Sherrod, Sr., was himself murdered. Although the family has some comfort in that the person responsible for the murder of James Sherrod, Jr., has been arrested and is pending trial; to lose two family members by homicide in such a short period of time is particularly devastating.

The Defendant's Background

The defendant began his life of crime at the age of twelve. From the age of twelve to the age of eighteen, the defendant was arrested some thirteen times. As an adult, he was convicted of armed robbery when he was 18 years old, and then of kidnapping and armed robbery when he was 19 years old. Both of these offenses took place in Prince Georges County, Maryland. Following these convictions, the

defendant was incarcerated for some thirteen years. Upon his release from prison at the age of thirty-five years, the defendant beat the thirty-one year old Demetrius Dempsey. When the defendant was thirty-eight years old, the defendant was convicted of further violence in Howard County, Maryland for beating Jauneline Hardy, his then fiancé.

Upon his arrest for the murder of Demetrius Dempsey, the defendant denied any involvement and claimed he was in Georgia during the critical time period. He also denied that his nick-name was Moussey or Micey. Thereafter, some four days before his scheduled trial in this case, the defendant admitted his involvement and admitted further that his nick-name was Moussey or Micey.

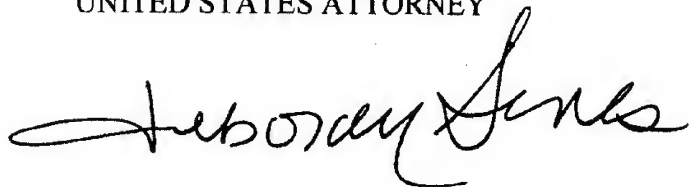
It is against this backdrop that the government recommends that the Court accept the Rule 11(e)(1)(c) sentence of 12 years of incarceration for the defendant's role in the death of Demetrius Dempsey. The government submits that this sentence accurately reflects circumstances surround the murder, including the defendant's intent before and during the beating; the consequences of the beating; the defendant's egregious conviction record; and the defendant's apparent remorse.

Conclusion

Based on the foregoing, the government submits that the appropriate sentence is imprisonment for twelve years.

Respectfully submitted,

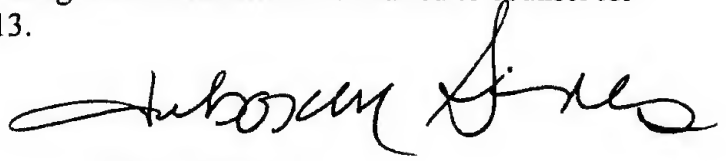
RONALD C. MACHEN JR.
UNITED STATES ATTORNEY

A handwritten signature in black ink, appearing to read "Deborah Sines", is written over the typed name and title.

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing sentencing memorandum was e-mailed to counsel for the defendant, Chris Roberts, this 3rd day of January, 2013.

A handwritten signature in black ink, appearing to read "Deborah Sines", written in a cursive style.

Deborah Sines